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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/712,615

11/13/2000

Kenneth F. Buechler

230/006

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12/18/2006

FOLEY & LARDNER LLP

P.O. BOX 80278

SAN DIEGO, CA 92138-0278

EXAMINER

COOK, LISA V

ART UNIT

PAPER NUMBER

1641

MAIL DATE

DELIVERY MODE

12/18/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER |
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| ART UNIT | PAPER |
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20061115

DATE MAILED:

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Commissioner for Patents

The reply brief filed 31 August 2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

*Chisa Lock*  
11/15/06

***Reply Brief***

1. The reply brief filed 31 August 2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

***Remarks***

2. Applicant argues that the indefinite rejections of record are hollow because claims 97 and 98 were indicated as allowable by the examiner. See page 8 4<sup>th</sup> paragraph in the response filed 8/31/06. This argument was carefully considered but not found persuasive because the examiner recited that claims 97, 98, 105, 106, 119, and 120 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In other words, these claims were free of the prior art but included in rejections under 35 USC 112, 2<sup>nd</sup> paragraph for indefiniteness and under 35 USC 112, 1<sup>st</sup> paragraph for new matter because they are dependent on independent claim 27.

3. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1641 – Central Fax number is (571) 273-8300, which is able to receive transmissions 24 hours/day, 7 days/week. In the event Applicant would like to fax an unofficial communication, the Examiner should be contacted for the appropriate Right Fax number.

Art Unit: 1641

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook whose telephone number is (571) 272-0816. The examiner can normally be reached on Monday - Friday from 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (571) 272-0823.

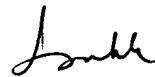
Any inquiry of a general nature or relating to the status of this application should be directed to Group TC 1600 whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*Lisa V. Cook*  
Patent Examiner  
Art Unit 1641  
Remsen 3C-59  
571-272-0816



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